

<b>Application No.</b>	<b>Applicant(s)</b>	
10/035,978	QUINT ET AL.	
<b>Examiner</b>	<b>Art Unit</b>	
Jeanine A Goldberg	1634	

**Status of Application:** *after Quayle*

(3) \_\_\_\_\_.

(4) \_\_\_\_\_.

Time: \_\_\_\_\_

☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

If Yes, provide a brief description:

Rejection(s) discussed:

*all*

Prior art documents discussed:

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**  
*See Continuation Sheet*

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner called to discuss the newly amended claims to require the allowable subject matter of SEQ ID NO: 126. The examiner indicated she was willing to rejoin the allowable product claims with the methods, however the method claims were not in condition for allowance. The applicant indicated that she was not likely going to be able to contact the clients by Monday the 10th to allow the examiner to complete the action at this time.

The 112/2nd issues presented by the examiner were:

Claim 1, line 3, "the polynucleic acids" lacks antecedent basis.

Claim 1, lines 12, "the hybridization signals" lacks antecedent basis. The claim does not require or recite signals.

Claim 5, line 2, "the original sample" lacks antecedent basis.

Claim 12 depends on Claim 5 and 1. The primers are directed to CagA sequences which are not encompassed. The examiner questioned whether the claim was intended to be dependant on Claim 11 which recited amplifying cagA gene.

Claim 13 requires that "one of the probes corresponds to SEQ ID NO: 126". The claim requires that the probes are selected from 1-11 and 27-39. SEQ ID NO: 126 is not encompassed by this Markush group. Thus, the claim is indefinite. The language "corresponds" and "variants" further were objected to and rejected in the parent applications. Claim 24 depends on Claim 11, however the primers appear to be vacA primers. It is unclear whether the claim is intended to depend on Claim 1. .